



United States  
**Office of  
Personnel Management**

Washington, D.C. 20415

SEP 12 1985

In Reply Refer To

Your Reference

• MEMORANDUM TO DIRECTORS OF PERSONNEL .

Subject: Continuation or Termination of Alternative Work Schedules

From: James W. Morrison, Jr.  
Associate Director  
for Compensation

As you know, emergency legislation (Public Law 99-69) was enacted in July that extended the alternative work schedules (AWS) authority through September 30, 1985. This is to inform you that permanent legislation has not yet been enacted and to alert you of a possible gap in the authorization that permits executive agencies and departments to establish and administer AWS. The Administration continues to support legislation (H.R. 1534) that would permit executive agencies and departments to use AWS on a permanent basis. While we hope and fully expect that legislation will be signed into law by September 30, agencies need to develop plans for adjusting their AWS programs should the authority expire on that date.

If the law authorizing the AWS program expires, agencies should be prepared to adjust their work schedules to those authorized under subchapter I of chapter 61 of title 5, United States Code (e.g., a basic workweek of 8 hours a day, 5 days a week). Since the AWS law would expire in the middle of a pay period, agencies may wish to consider terminating their AWS programs at the end of the last full pay period before September 30, 1985 (or, in the case of an AWS program with a 40-hour basic work requirement, at the end of the last administrative workweek before September 30, 1985). Alternatively, agencies may adjust their alternative work schedules in advance so that employees will be in an 8-hour day/40-hour week configuration for the remainder of the pay period after September 30, 1985. The important thing to remember is that after September 30, 1985, employees will be entitled to overtime pay for those hours worked in excess of 8 in a day or 40 in a week.

-2-

Agencies are reminded of any obligation they may have to bargain or consult, as appropriate, with recognized labor organizations pursuant to chapter 71 of title 5, United States Code, concerning any proposed changes in their existing AWS programs.

When agencies terminate flexible schedules, employees with unused credit hours must receive payment for these hours. Payment must be made at the employee's then current rate of basic pay. Full-time employees may be paid for not more than 24 credit hours, and part-time employees may be paid for not more than one-fourth of the hours in the employee's biweekly basic work requirement.

Flexitime schedules established under subchapter I of chapter 61 of title 5, United States Code, are not affected by the expiration of Public Law 99-69. These schedules permit variable starting and quitting times, but require that employees work 8 hours a day and 40 hours a week.

We will keep you posted on the outcome of legislative efforts to permanently authorize AWS in the Federal Government.